

**Sri K. HANUMANTHAIYA** (Chief Minister).—Sir, there is another Bill, the Police (Amendment) Bill which takes very little time because it has been previously passed by the House. It may not take more than half-an-hour. We will take up the Municipal Laws Bill after that.

**Mr. SPEAKER.**—I have no objection.

### THE MYSORE POLICE (AMENDMENT) BILL, 1953.

*Motion to consider (Continued)*

**Sri H. SIDDAVEERAPPA** (Minister for Industries).—Sir, I am not taking much time of this Hon'ble House. I have already moved in the third Session of this august House on 5th August 1953 that the amendments made to the Mysore Police (Amendment) Bill 1953 by the Legislative Council be taken into consideration. Several Hon'ble Members have offered their suggestions and generally they seem to be of the view that the amendments as passed by the Upper House are not quite in conformity with the object with which this House passed the Bill in the first instance. Sir, I do not wish to take much time of this Hon'ble House. I only pray at this stage that the House may be pleased to give its accord for this motion of mine, namely, that Bill be taken into consideration as amended.

**Mr. SPEAKER.**—Question is :

“That the amendments made to the Mysore Police (Amendment) Bill, 1953 by the Legislative Council be taken into consideration.”

*The motion was adopted.*

**Mr. SPEAKER.**—Motion moved :

‘That the amendment to Clause 2, adopted by the Council namely,—

“INSERTION OF NEW SECTIONS 38-A AND 38-B IN MYSORE ACT V OF 1908.—After Section 38 of the Mysore Police Act, 1908 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

“38-A. *Control of sound or noise.*—(1) Subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, the District Superintendent or the Assistant Superintendent may, if satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or likelihood of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell in the vicinity, by a written order, issue such direction as he may consider necessary to any person for preventing, prohibiting, controlling or regulating the incidence or continuance in or upon any premises or place of—

- (i) any vocal or instrumental music, or
- (ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound.

(2) Any person aggrieved by an order of the District Superintendent or the Assistant Superintendent under sub-section (1) may appeal to the Magistrate of the First Class having jurisdiction in the area.

38-B. *Licensing use of Loudspeakers, etc.*—(1) Subject to the provisions of section 38-A and subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, no person shall use or operate—

- (i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises;
- (ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or

volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced ;

except under and in accordance with the conditions of a licence granted by the District Superintendent or by such other Gazetted Officer as the State Government may, by notification in the *Mysore Gazette*, specify in this behalf.

(2) Any person aggrieved by an order of the District Superintendent or by such other Gazetted Officer empowered by the Government under sub-section (1) may appeal to the Magistrate of the First Class having jurisdiction in that area."

be agreed to.'

**Sri M. V. RAMA RAO (Tumkur).**—Sir, when I spoke earlier on the motion for consideration of the amendments effected in this Bill in the Legislative Council, I explained at some length the actual effect of the amendments made in the other House to the two clauses that are proposed to be introduced as Sections 38A and 38B of the Mysore Police Act. I then said that far from achieving the object which the other House undoubtedly had in making these amendments, it has really resulted in making the meaning of these clauses not only less free from doubt, but also full of further difficulties and confusion. Therefore, Sir, I suggest that this House do not accept the amendments that were made by the other House. I also adverted to the proper form in which the clauses could have been amended by the other House or by ourselves or jointly by both of us. But since the amendments made in the other House have not made any improvement whatever in the Bill that has been passed in this House, I suggest that this House do not accept these amendments.

**Sri T. MARIAPPA (Mysore City North).**—Sir, I agree with my Hon'ble friend Sri M. V. Rama Rao and I would urge that the amendments proposed by the Upper House be not accepted here, for more than one reason. I say this because, some of the

amendments have not improved the original Bill. Neither have they facilitated the understanding of the scope of the Bill. It is not necessary for me, Sir, to dilate further on this point and I would request Hon'ble Members of the House to reject the amendments.

**Sri H. SIDDAVEERAPPA (Minister for Home and Industries).**—Sir, I would like to recall to the mind of this Hon'ble House to the discussion that took place on the previous day. My friend Sri Rama Rao has given very elaborate reasons almost convincingly as to why the amendment as passed by the Upper House is not acceptable to this Hon'ble House. Sir, so far as I am concerned, I am a party to the Bill as passed by this House. If it is the wish of this House and if it is the concensus of opinion that the amendment as passed by the Upper House need not be accepted, I personally have no objection to that course being followed, and I would like only to make the position quite clear. Under Article 197, the position will be that the Bill as passed originally by this House will be deemed to have been the Bill that has been accepted by this House at this stage. I leave it to the sense of the House.

**Sri J. MOHAMED IMAM (Jagalur).**—When this Bill was discussed in the Upper House, I think the Hon'ble Minister in charge of the Bill was present. What was his attitude at that time? What stand did the Upper House take to come to a contrary decision?

**Sri K. HANUMANTHAIYA (Chief Minister).**—He has made the position clear.

**Sri J. MOHAMED IMAM.**—I want to know the attitude of the Minister in the Upper House; it is very embarrassing for us to vote down the decision taken by the Upper House.

**Mr. SPEAKER.**—That is left to your discretion.

**Sri K. PATTABHIRAMAN (Kolar).**—Is the Hon'ble Minister prepared to answer Sri Imam? This is a very important point. Let us know the attitude of the Hon'ble Minister in the Legislative Council on these amendments.

Mr. SPEAKER.—If the Hon'ble Minister is reluctant to make a reply, I cannot compel him to reply.

Sri K. PATTABHIRAMAN.—Nor do we intend to force a reply from him, Sir.

Mr. SPEAKER.—The question is :

“That the amendment to Clause 2 adopted by this Council, namely :

“2. INSERTION OF NEW SECTIONS 38-A AND 38-B IN MYSORE ACT V OF 1908.—After section 38 of the Mysore Police Act, 1908 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

“38-A. *Control of sound or noise.*—(1) Subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, the District Superintendent or the Assistant Superintendent may, if satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or likelihood of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell in the vicinity, by a written order, issue such direction as he may consider necessary to any person for preventing, prohibiting, controlling or regulating the incidence or continuance in or upon any premises or place of—

(i) any vocal or instrumental music, or

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(2) Any person aggrieved by an order of the District Superintendent or the Assistant Superintendent under sub-section (1), may appeal to the Magistrate of the First Class having jurisdiction in the area.

38-B. *Licensing use of Loudspeakers, etc.*—(1) Subject to the provisions of section 38-A and subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, no person shall use or operate—

(i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises ;

(ii) in any open space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond two hundred feet from the place at which the musical or other sound is produced or reproduced ;

except under and in accordance with the conditions of a license granted by the District Superintendent or by such other Gazetted Officer as the State Government may, by notification in the *Mysore Gazette*, specify in this behalf.

(2) Any person aggrieved by an order of the District Superintendent or by such other Gazetted Officer empowered by the Government under sub-section (1) may appeal to the Magistrate of the First Class having jurisdiction in that area.”  
be agreed to.’

Before I put this to the vote of the House, I want to say that if this House wants to reject this amendment, the House will have to vote against this motion. Those who are not in favour of this question will have to say ‘Nay’.

*The motion was negatived.*

Mr. SPEAKER.—So the amendments are rejected. The Bill has now to be deemed to be passed again without the amendments made by the Council. The question is :

“That the Bill be passed without the amendments made by the Council”.

*The motion was adopted.*

Mr. SPEAKER.—The Bill will be sent to the other House with this message.

Sri K. HANUMANTHAIYA.—Sir, we shall go to the next Bill.

Mr. SPEAKER.—We shall meet after lunch. The House will now rise for lunch and meet again at 3-30 P.M.

*The House rose for Lunch at Fifty-five Minutes past Two of the Clock and met again at Thirty Minutes past Three of the Clock.*

[Mr. SPEAKER in the Chair.]

### MYSORE MUNICIPAL LAWS (AMENDMENT) BILL, 1953.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, the Mysore Municipal Laws (Amendment) Bill, 1953, is before the House for consideration. At the stage of consideration several doubts were expressed by Hon'ble Members in regard to the wording of clause 2 (a) and 2 (b). Objections were raised to the words "belonging to His Highness the Maharaja of Mysore" and "the buildings and lands appurtenant thereto". That was because, Sir, the two properties, the Palaces at Bangalore and Mysore, were conceded in the agreement as private property but inalienable. According to section 10 of Transfer of Property Act, a condition attached to ownership becomes void. Therefore, it is argued that inalienability being attached to private property would be inconsistent with the ownership and therefore inalienability would not have much meaning. When these doubts were raised I promised the House to look into the legal aspect of the matter and also have a talk with His Highness the Rajpramukh and also with the State Ministry. Subsequently I had the occasion to discuss this subject with His Highness the Rajpramukh and certain correspondence took place between the State Ministry and this Government. As a result of these talks as well as the examination of the legal question involved, I have sent two amendments. I will move them at the appropriate stage, Sir. At this stage,

I would like to submit to the House that we have to retain the phraseology that these two Palaces are private property of His Highness the Maharaja and also that they are inalienable. These words, Sir, occur in the agreement. The agreement has two sets of papers. One is the original agreement entered into between His Excellency the Governor-General of India and His Highness the Maharaja of Mysore on 23rd January 1950. That agreement enunciates certain general principles. It does not include details. Subsequently, there was another conference and a letter has been issued by the States' Ministry on 8th January 1951. That letter has to be read as part of the agreement or explanation to the agreement dated 23rd January 1950. Clause 12 in the letter dated 8th January 1951 reads as follows:

"The private properties of Your Highness will be liable to tax. The Palaces at Bangalore and Mysore will, however, be exempted from all taxes, Municipal, State or Central."

In pursuance of that clause, Government issued a Gazette Notification dated 6th February 1951 wherein it is said:

"The private properties of His Highness will be liable to tax in future. The Palaces at Bangalore and Mysore will, however, be exempted from all taxes, Municipal, State or Central."

This Government Order was not sufficient to implement the terms of the agreement because there were municipal laws which exempted the payment of taxes so far as private properties of His Highness were concerned in Mysore, Bangalore and in other towns. Therefore the enactments which gave this exemption had to be amended in order to give effect to the terms of the agreement and also to the Government Order subsequently issued. Hence this amending Bill was brought before the Legislature.

So far as the legal question is concerned, it has been stated that